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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/599,963	06/23/2000	Nicholas W. Dawes	551P07US-1	9819
20779	7590	08/10/2005	EXAMINER	
SHAPIRO COHEN P.O. BOX 3440 STATION D OTTAWA, ON K1P6P1 CANADA			LEE, CHI HO A	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/599,963

Applicant(s)

DAWES ET AL.

Examiner

Andrew Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2005.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 13-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-5, 13-21 and 23-26 is/are allowed.
6) ☒ Claim(s) 22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Hefel et al U.S. Patent Number 5,563,875.

Re Claim 22, fig. 4 teaches a Node A (common node) sending signals to Node B & C (first and second) to measure the round trip delays (See col. 6, lines 6-38) to compute the transmit time, wherein the RTD (round trip delay) between Node A and B halved indicates interim transit time (jitter in transit delay) and RTD between Node A and C halved; fig. 6 step 67 teaches calculating the link transmit times between source Node A to destination Node C, whereby by adding the interim transit times indicates the total transmit time to the destination (See col. 7, lines 50-65) *wherein the total jitter is based on the previously calculated transmit times.*

Response to Arguments

3. Applicant's arguments filed 6/28/05 have been fully considered but they are not persuasive.

In page 2, Applicant argues that "present invention does not require such knowledge to send signals along the communication path" and "present invention does

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not require pre-calculated ...path prior to sending signals to each of the nodes along the path".

However, whether the path is calculated or pre-calculated is irrelevant in view of the claim 22. Furthermore, claim 22 does not limit using "pre-calculated paths", the claim only requires "a communication path". It is apparent one skilled that "a communication path" reads on "pre-calculated paths" and "available path".

Applicant should realize that the allowed Claims 1-5 is different in scope than Claim 22.

In page 3, Applicant argues that, "jitter calculated in the present invention is...based on "multiple determinations of transmit delay between two nodes".

However this limitation is not claimed.

In page 4, Applicant argues that "total jitter is an additional calculation based on previous calculations of the transit delay" is not found in Hefel et al.

Examiner disagrees, additional calculation is as followed.

Transit time (T1) between Node A and Node B is halved the RTD.

Another Transit time (T2) between Node A and Node C is halved the RTD.

$T2 - T1 = T3$ (transit time between Node B and Node C).

Adding T1 and T3 equates to Total transit time between Node A and Node C.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANDY LEE
PATENT EXAMINER

AI
8/3/05

A handwritten signature in black ink, appearing to be 'A. Lee', written over the date '8/3/05'.